

With all due respect, applicants disagree that the Examiner's requirement is proper. However, in order to facilitate prosecution and to avoid a holding of non-responsiveness in this application, applicants elect the claims of Group II with traverse. In the event that the Examiner does not withdraw the restriction requirement, applicants expressly reserve the right to timely file a divisional application directed to the presently non-elected subject matter.

Applicants request reconsideration of the Examiner's requirement for restriction, as it is believed that no undue burden is placed upon the Examiner for a search of the claims of Groups I and II together in this application. Indeed, the claims of Group II recite the use of the altered defined DNA of Group I. An examination of all of the claims and the issuance of an Official Action on the merits of all of the pending claims are thus respectfully requested.

Early and favorable action by the Examiner is earnestly solicited.

If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the applicants' representative at (212) 415-8564. Applicants' representative may also be contacted by e-mail at the address of [dauth@morganfinnegan.com](mailto:dauth@morganfinnegan.com).

#### **AUTHORIZATION**

No additional fee is believed to be necessary. However, the Commissioner is hereby authorized to charge any additional fee(s) which may be required for this response, or to credit any overpayment to Deposit Account No. 13-4500, Order No. 4167-4000.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is

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hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4167-4000. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: September 27, 2002

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